

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE CITY OF PROVIDENCE, Individually and on Behalf of All Others Similarly Situated,)	
)	No. 11-CV-7132 (CM)(GWG)
)	
Plaintiff,)	<u>CLASS ACTION</u>
)	
vs.)	
)	
AÉROPOSTALE , INC., THOMAS P. JOHNSON and MARC D. MILLER,)	
)	
)	
Defendants.)	
)	

DECLARATION OF JONATHAN GARDNER IN SUPPORT OF
MOTION FOR AN APPEAL BOND

I, JONATHAN GARDNER, declare as follows pursuant to 28 U.S.C. §1746:

1. I am a partner of the law firm of Labaton Sucharow LLP (“Labaton Sucharow”). Labaton Sucharow is the Court-appointed lead counsel (“Lead Counsel”) for the Court-appointed Lead Plaintiff and Class Representative, the City of Providence (“Lead Plaintiff), in this securities class action. I have personal knowledge of the matters set forth herein.
2. I respectfully submit this Declaration in support of Lead Plaintiff’s motion for an appeal bond, filed herewith, in connection with the appeal filed by attorneys Forrest S. Turkish and Joseph Darrell Palmer on behalf of objector Donald Robert Pierson.
3. Annexed hereto as Exhibit 1 is a true and correct copy of the transcript of the Settlement Hearing before the Court, taken on May 9, 2014.
4. Annexed hereto as Exhibit 2 is a true and correct copy of U.S. Court of Appeals-Judicial Caseload Profile.

5. Annexed hereto as Exhibit 3 is a true and correct copy of Declaration of Adam D. Walter in Support of Lead Plaintiff's Motion for Appeal Bond.

I declare, under penalty of perjury, that the foregoing facts are true and correct.

Executed on August 29, 2014.

/s/ Jonathan Gardner

JONATHAN GARDNER

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2014, I caused the foregoing DECLARATION OF JONATHAN GARDNER to be served electronically on all ECF participants.

s/ Jonathan Gardner

JONATHAN GARDNER